



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2000/60
15 December 1999

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 11 (a) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF
TORTURE AND DETENTION**

United Nations Voluntary Fund for Victims of Torture

Report of the Secretary-General

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I. ANNUAL REPORTS

1 In conformity with the arrangements adopted by the General Assembly for the management of the United Nations Voluntary Fund for Victims of Torture, the Secretary-General draws up an annual report to the General Assembly, indicating the funds available, pledges made and contributions received, together with disbursements from the Fund (resolution 36/151). In its resolution 53/139 of 9 December 1998, the General Assembly also requested the Secretary-General to submit to the Commission on Human Rights a report on the operations of the Fund (para. 23).

2 The Commission on Human Rights, in its resolution 1999/32 of 26 April 1999 (para. 37), requested the Secretary-General to continue to keep it informed on an annual basis of the operations of the Fund. The Secretary-General draws the attention of the Commission to his annual report on the Fund, submitted to the General Assembly at its fifty-fourth session (A/54/177), which is available to the Commission and which should be read in conjunction with this report.

II. FINANCIAL STATUS

3 At its eighteenth session (17-28 May 1999), the Board of Trustees of the Fund had recommended that, for the period June 1999 to May 2000, grants of approximately US\$ 5.1 million (A/54/177, para. 16) should be awarded to medical, psychological, psychiatric, economic, social, humanitarian and legal assistance programmes, which were approved in June 1999 by the High Commissioner for Human Rights on behalf of the Secretary-General (paras. 18 and 21). At the time of writing (29 November 1999), about US\$ 4.3 million has already been disbursed. A further \$485,000 earmarked for grants could still be disbursed before the next session of the Board of Trustees, due to be held from 15 to 26 May 2000, if the additional information requested by the Board of Trustees and/or the secretariat of the Fund is received from the organizations concerned and is satisfactory. An amount of \$100,000 is currently available, until the next session of the Board, for urgent grants to individuals, as well as an amount of \$200,000 for urgent grants to organizations in financial difficulty because European Commission grants are not forthcoming.

A. Contributions paid

4 In accordance with resolutions 53/139 of the General Assembly (para. 15) and 1999/32 of the Commission on Human Rights (para. 32), donors are invited to make any new contributions before the annual session of the Board of Trustees, preferably before the end of February, so that the contribution can be duly recorded and available for allocation at the following session of the Board. Contributions not officially recorded before the session will be considered at the following session. The Board of Trustees bases its financial recommendations on the total contributions actually paid and duly recorded, it does not take pledges into account.

5 The contributions received in time for allocation at the eighteenth session of the Board are shown in the report of the Secretary-General to the General Assembly (A/54/177, para. 10, table 2). The contributions that had not yet been officially recorded before the eighteenth session (17-28 May 1999), or which were recorded afterwards, are shown in table 1 below, drawn up on

29 November 1999 from the information available to the Office of the High Commissioner. The Board will take them into consideration at its nineteenth session, due to be held from 15 to 26 May 2000.

Table 1 Paid contributions that will be taken into consideration at the nineteenth session of the Board of Trustees

State	Amount (US\$)	Recorded	Intended for	Contribution No
Argentina	3 000	24 08 99	1999	10
Argentina	7 052	30 08 99	1999	11
Austria	20 000	22 10 99	1999	16
Denmark	278 571	09 07 99	1999	17
Germany	72 505	19 11 99	1999	17
Germany	47 336	19 11 99	1999	18
Ireland	59 368	08 06 99	1999	15
Luxembourg	12 949	21 05 99	1999	16
New Zealand	15 687	21 05 99	1999	13
Poland	10 000	06 10 99	2000	1
Portugal	15 000	22 06 99	1999	4
Saudi Arabia	20 000	12 11 99	1999	2
Spain	44 317	19 11 99	1999	14
Sweden	245 843	28 10 99	1999	13
TOTAL	852 569			

B. Pledges

6 Donor Governments can make pledges to the Fund in several ways

- (a) Directly by letter to the United Nations High Commissioner for Human Rights, copied to the secretariat of the United Nations Voluntary Fund for Victims of Torture (see para. 42 below);
- (b) At the United Nations Pledging Conference for Development Activities held in New York (the most recent Conference was held on 2 and 3 November 1999);
- (c) At the annual session of the Commission on Human Rights in Geneva;
- (d) At the briefings for regular donors organized by the secretariat of the Fund (the next briefing will take place on 9 December 1999 at the Palais des Nations in Geneva);

(e) At the meeting between donors and members of the Board of Trustees, which usually takes place on the last day of the annual session in May (the next meeting should therefore take place on 26 May 2000),

(f) When a State party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment submits a report to the Committee against Torture.

7. As at 29 November 1999, the following pledges were due to be paid before the next session of the Board of Trustees

Table 2 Pledges

State	Amount (US\$)	Intended for	Announced on	Contribution No.
Algeria	5 000	2000	02-03 11 1999 ^a	9
Brazil	10 000	1995	20 12 1994	7
Brazil	10 000	1996	02 11 1995	8
Brazil	10 000	1998	04 11 1997	9
Chile	10 000	2000	02-03 11 1999 ^a	8
Cyprus	933	1999	02-03 11 1999 ^a	11
Monaco	10 000	2000	02-03 11 1999 ^a	7
Netherlands	537 634	1999	04 11 1998	18
Philippines ^b	3 750	1998	11 04 1997	3
Philippines	2 595	1999	04 11 1998	4
Tunisia	2 000	1999	08 10 1998	8
Tunisia	1 684	2000	02-03 11 1999 ^a	9
Turkey	5 000	2000	02-03 11 1999 ^a	2
United Kingdom	216 666	1999	02 02 1999	12
TOTAL	825 262			

^a Pledged at the Pledging Conference for Development Activities

^b The Government of the Philippines had pledged US\$ 10,000, of which US\$ 6,250 has been paid.

8. The Staff Coordinating Council of the United Nations Office at Geneva decided in 1998 that all profits from the 1998 Staff Gala would be paid to the Fund.

III. FUND-RAISING

A. Calls for contributions

1. General Assembly

9 In its resolution 53/139 of 9 December 1998, the General Assembly expressed its gratitude to the Governments, organizations and individuals that had already contributed to the Fund. It also requested all Governments, organizations and individuals to respond favourably to calls for contributions to the Fund, if possible on a regular annual basis before the meeting of the Board of Trustees of the Fund, preferably by the end of February, and if possible also with a substantial increase in the level of contributions, so that consideration might be given to the increasing demand for assistance. The General Assembly requested the Secretary-General to transmit its appeal to all Governments.

2. Commission on Human Rights

10 The Commission on Human Rights, in its resolution 1999/32 of 26 April 1999, encouraged those Governments, organizations and individuals that had already contributed to the Fund to continue to do so. It invited those Governments, organizations and individuals that were able to do so to increase their contributions considerably, in order to take into consideration the ever-increasing demand for assistance. It recalled the request by the Board of Trustees that contributions should be paid before the Board's annual meeting.

3. Joint Declaration of 26 June 1999

11 The General Assembly, in its resolution 52/149 of 12 December 1997, declared 26 June the United Nations International Day in Support of Victims of Torture. At the initiative of the Chairman of the Board of Trustees of the Fund, which was approved by the High Commissioner and then by the Chairman of the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture, a Joint Declaration was adopted on 26 June 1999 (A/54/177, annex I), in accordance with resolution 53/139, in which the General Assembly had stressed the need for regular exchanges of views between those bodies. In paragraph 8 of the Declaration, the Committee against Torture, the Board of Trustees of the Fund, the Special Rapporteur and the High Commissioner appealed to all Governments, organizations and individuals to contribute generously and, if possible, on a regular basis to the Fund, keeping in mind the increasing demand for medical, psychological, social, humanitarian and legal assistance to victims of torture and members of their families worldwide.

4. United Nations High Commissioner for Human Rights

12 Mrs. Mary Robinson, in a letter dated 4 October 1999, drew the attention of all Governments to the calls for contributions made by the General Assembly and the Commission on Human Rights and in the Joint Declaration. She said that applications for grants for the year 2000 were expected to reach US\$ 10 million. She stressed that she would be extremely grateful if those Governments able to do so would make their contribution to the Fund, or significantly increase their contribution, before the session of the Board of Trustees.

B. Meeting with regular donors

13 Every year, the secretariat of the Fund organizes technical briefings for interested regular donors in Geneva, one meeting was organized in February 1999 and another will take place on 9 December 1999.

C. Role of the Board of Trustees of the Fund

14 In its resolution 36/151 of 16 December 1981, in which it established the Fund, the General Assembly authorized Board members to promote and solicit contributions and pledges. The General Assembly had also requested the Secretary-General to give the Board of Trustees all the assistance it might require.

15 The Board of Trustees of the Fund consists of Mr. Jaap Walkate (Chairman), Mr. Ribot Hatano, Ms. Elizabeth Odio-Benito, Mr. Ivan Tosevski and Mr. Amos Wako. The members of the Board of Trustees have the opportunity to solicit contributions at the annual meeting with representatives of the Permanent Missions to the United Nations in Geneva, organized at the end of the Board's session. When travelling on official business, the Chairman of the Board of Trustees, Mr. Walkate, takes every opportunity to meet officials from ministries of foreign affairs and to invite them to contribute to the Fund (see also the relevant parts of his speech to the Eighth International Symposium on Torture in New Delhi, in the annex to this report). In that connection, it is also well worth reading his article "Torture: zero tolerance!"¹ in which he recommends that associations, charitable institutions, churches and schools should help by organizing activities to raise money for the United Nations Fund or sponsor one or more centres and hence give them more direct financial support.

16 The Commission on Human Rights has introduced the practice of inviting a member of the Board of Trustees of the Fund, if that person is in Geneva during the session of the Commission in March/April, to present the financial situation of the Fund to the Commission under the appropriate agenda item, and to encourage participants to pay their contributions before the meeting of the Board in May. Mr. Tosevski did so on 9 April 1999.

17 The General Assembly, in its resolution 53/139, requested the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and in its efforts to make better known the existence of the Fund and the financial means currently available to it, as well as in its assessment of the global need for international funding of rehabilitation services for torture victims and, in this effort, to make use of all existing possibilities, including the preparation, production and dissemination of information materials (para. 19).

¹ In *Reflections on the Universal Declaration of Human Rights: A Fiftieth Anniversary Anthology*, Ministry of Foreign Affairs of the Netherlands, Kluwer Law International, Martinus Nijhoff Publishers, The Hague/Boston/London, 1998, pp. 304-310.

IV. NEEDS ASSESSMENT

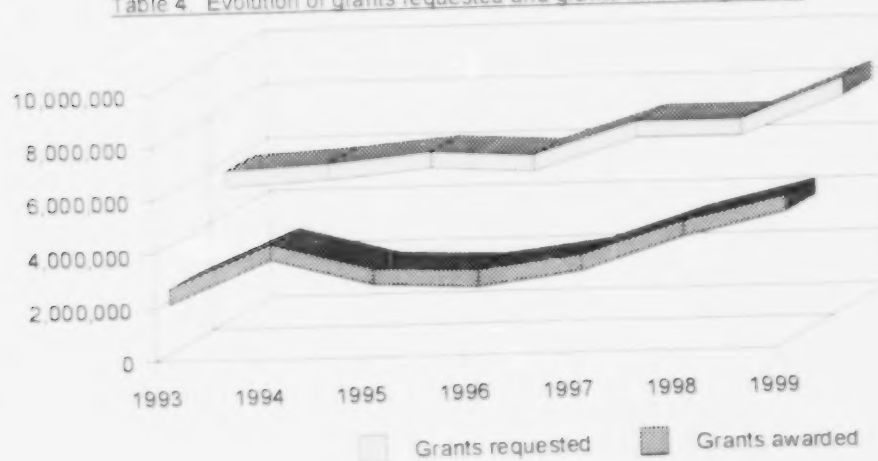
A. Requests received and grants awarded (1993-1999)

18. In order to take into account the disparity between the requests for grants and the grants awarded from the contributions available (see table 3), for several years the practice of the Board of Trustees has been to award virtually the total amount available and to carry forward only the compulsory reserve to the following year (see A/54/177, para. 15).

Table 3. Comparison of grants requested and grants awarded (1993-1999)

Year	Requested (US\$)	Awarded (US\$)	Percentage awarded	Additional amount required (US\$)
1999	8 251 860	5 078 500	61.5	3 173 360
1998	6 800 000	4 210 000	61.9	2 590 000
1997	6 800 000	3 036 054	44.6	3 763 946
1996	5 618 645	2 535 500	45.1	3 083 145
1995	5 827 645	2 719 680	46.6	3 107 965
1994	5 476 959	3 698 080	67.5	1 778 879
1993	5 289 413	2 111 880	39.9	3 177 533

Table 4. Evolution of grants requested and grants awarded (in US\$)



B Estimated needs for 2000

19 The secretariat strives to be realistic in assessing the needs of the Fund for the year 2000, as recommended by the Board of Trustees. If the upward trend observed since 1998 continued (see tables 3 and 4 above), the total amount requested from the Fund in the year 2000 by the organizations concerned would reach almost US\$ 10 million. Given that the increase in requests between 1998 (US\$ 6.8 million) and 1999 (US\$ 8.2 million) amounted to US\$ 1.4 million, if the increase in requests was maintained between 1999 and 2000, US\$ 1.4 million would have to be added to the requests in 1999, making a total of US\$ 9.6 million. An extra 13 per cent would be needed to cover the costs of programme support and 15 per cent on top of that to provide the compulsory reserve. The total amount necessary would thus be over US\$ 12 million.

20 However, according to information received by the Board of Trustees of the Fund at its eighteenth session, the large increase between 1998 and 1999 was partly due to problems with the payment of grants by the European Commission (see para. 3 above), which were likely to be overcome soon. Consequently, the total amount requested from the Fund in 2000 by the organizations concerned should be approximately the same as or slightly less than the amount requested in 1999, that is, about US\$ 8 million. An extra 13 per cent for programme support and 15 per cent for the compulsory reserve should be added to this amount. A little over US\$ 10 million would therefore be a reasonable estimate for the total amount of contributions that would need to be received before May 2000 if all requests were to be met.

21 The Commission on Human Rights (resolution 1999/32, para. 36) called for an updated assessment of the global need for international funding of rehabilitation services for victims of torture. In accordance with a guideline laid down by the Board of Trustees, the Fund as a rule only finances up to a third (33.33 per cent) of any programme of assistance submitted to it and only finances those activities of an organization that are intended to provide the victims of torture with direct medical, psychological, psychiatric, economic, social, humanitarian or legal assistance; it does not provide financial aid for other victims or other activities of the help organizations. Part of the answer to the Commission's request is therefore that, in order to finance the other two thirds of their programmes, the organizations that have submitted a request to the Fund need to find about US\$ 16 million from other donors.

22 With regard to the third to be financed by the Fund, at the time of writing (29 November 1999) the total amount of new contributions paid (since 17 May 1999) was only US\$ 851,628 (see table 1 above).

23 If the Governments that have pledged US\$ 825,262 (see table 2 above) pay their contributions before May 2000, as they have been called upon to do by the General Assembly, the Commission on Human Rights and the High Commissioner, a further US\$ 8.3 million would still need to be raised before the end of April 2000.

24 The regular donors to the Fund who have not yet paid or pledged a voluntary contribution for 2000 are listed in the following table. They have been invited by the High Commissioner, by letter of 1 October 1999, to increase their contribution if possible.

Table 5 Regular donors to the Fund who have not yet made or pledged a voluntary contribution for the year 2000

State	Estimated contribution (US\$)	Number of past contributions
Argentina	7 000	13
Australia	60 000	6
Austria	20 000	16
Belgium	82 000	9
Canada	15 000	10
Cyprus	945	10
Denmark	280 000	17
Finland	181 000	17
France	81 000	21
Germany	112 000	18
New Zealand	15 550	12
Norway	133 000	14
Republic of Korea	15 000	5
Sweden	300 000	12
United Kingdom	200 000	11
United States	3 000 000	14
TOTAL	4 502 495	

25. An amount of about US\$ 3.8 million would still need to be found from new contributors to the Fund and/or regular donors prepared to increase their contribution.

26. For this reason, the General Assembly, the Commission on Human Rights, the High Commissioner, the Board of Trustees of the Fund, the Committee against Torture and the Special Rapporteur on questions relating to torture, in their Joint Declaration of 26 June 1999 (A/54/177, annex I, para. 8), called on "all" Governments, as well as organizations and individuals, to contribute to the Fund.

V. OTHER INFORMATION

A. Consultations with the Committee against Torture and the Special Rapporteur

27. The reports of the Committee against Torture and the Special Rapporteur have been made available to Board members at their session every year since these bodies were established. Moreover, whenever possible, the Board's sessions are scheduled to coincide with a session of the Committee or the presence of the Special Rapporteur in Geneva (see also resolution 53/139 of the General Assembly, mentioned in paragraph 11 above). In 1999, owing to constraints on the availability of members, the session of the Board of Trustees did not coincide with that of the

Committee against Torture or with the presence in Geneva of the Special Rapporteur. However, the officials from the Office of the High Commissioner who assist them were invited to the first meeting of the eighteenth session of the Board to report to its members on the work of the Committee and the Special Rapporteur, reply to their questions and pass on the Board's relevant recommendations to the Committee and the Special Rapporteur. Such regular consultations are useful to the Board when it has to determine, for example, the kinds of "victims of torture and any 'public official or other person acting in an official capacity'" that the Fund's secretariat should have in mind when considering requests for funding and the narrative reports on the use of grants. These consultations are also useful when the Board is required to interpret the Fund's terms of reference in the light of the provisions in article 1 of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

28. Thus, the Board took into account at its eighteenth session the Committee's deliberations on communication No. 12/1998 (A/54/44 annex VII, A, 1), para. 5.5) concerning public officials or any other persons acting in an official capacity who might act, in certain countries without a central Government, on behalf of quasi-governmental institutions or factions exercising certain prerogatives that are comparable to those normally exercised by legitimate Governments.

29. The Board informed the Special Rapporteur of its support for the two meetings of professionals and experts in the field of assistance for victims of torture - the first in Istanbul and the second at the Office of the High Commissioner in Geneva - which had contributed to the drafting of principles and the "Manual on the effective documentation of torture", known as the Istanbul Protocol, as the first version of it had been prepared at the meeting organized by the Human Rights Foundation of Turkey, held from 11 to 13 March 1999 in Istanbul. The Fund supported the preparation of this manual for the following reasons:

- (a) It would make it possible, among other things, to evaluate the care needed by victims of torture;
- (b) It would make it easier to process applications for refugee status;
- (c) It benefited from contributions by many specialists in medical, psychological and legal aid to victims of torture;
- (d) It was inspired by the *Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions* (United Nations Publication, Sales No. E.91.IV.1).

The manual is intended to provide the various professionals involved in helping victims of torture (doctors, surgeons, psychiatrists, psychologists, human rights experts, lawyers, police officers, prosecutors, judges, etc.) with a precise tool to analyse allegations and the after-effects of torture and to allow them to better determine whether a survivor has been tortured (experts in

forensic medicine are able to determine whether a dead person was tortured). The Special Rapporteur presented the principles and the manual to the General Assembly, orally and in his report (A/54/426, paras. 53-55 and the annex)

B Briefing for non-governmental organizations

30. A briefing for interested non-governmental organizations was organized by the secretariat of the Fund on 19 August 1999, during the session of the Sub-Commission on the Promotion and Protection of Human Rights. It dealt with the activities of the Fund, project selection criteria, the methods of work of the secretariat and the Board of Trustees, the Fund's guidelines and the schedule for the submission of requests for grants, the payment of grants and the submission of narrative and financial reports on the use of the grants

C United Nations International Day in Support of Victims of Torture (26 June 1999)

31. In its resolution 52/149 of 12 December 1997, the General Assembly proclaimed 26 June the United Nations International Day in Support of Victims of Torture. Information on the activities organized by the secretariat to celebrate this day is contained in document A/54/177 (paras. 28 and 29 and annexes I, II and IV). The High Commissioner recorded a special video message which was broadcast simultaneously at United Nations Headquarters in New York and at the United Nations Office at Geneva on 26 June

32. A public exhibition of works by victims of torture was held at the Palais des Nations from 21 June to 1 July 1999 and at the Palais Wilson, where the Office of the High Commissioner for Human Rights is based, from 6 to 16 July 1999. The exhibition comprised more than 100 paintings, posters, drawings, photographs and sculptures sent to the secretariat of the Fund by about 30 organizations which with the Fund's support provided victims and their families in many countries with medical, psychological, social, financial and legal assistance. It should be stressed that many of these exhibits were created by victims as part of their therapy; art can offer a way to externalize what they are unable or unwilling to communicate in speech or writing

33. The following organizations contributed to the exhibit: Aid for Children in Crisis (South Africa), Amigos de los Sobrevivientes (United States), Association pour les victimes de répression en exil (AVRE, France), Behandlungs Zentrum für Folteropfer (BZFO, Germany), Centre for Rehabilitation of War and Torture Victims (Sweden), Centre for Victims of Torture (Nepal), Centro de Estudios Fronterizos y de Promoción de los Derechos Humanos (CEFPRODHA, Mexico), Centro de Salud Mental y Derechos Humanos (CINTRAS, Chile), Comisión de Derechos Humanos de El Salvador, Comité de Defensa para los Derechos del Pueblo (CODEPU, Chile), Comité para la Defensa de la Salud, la Ética Profesional y los Derechos Humanos (CODESEDH, Argentina), Commission africaine des promoteurs de la santé et des droits de l'homme (CAPSDH, Burundi), Estonian Center for Medical Rehabilitation for Victims of Torture, Exil (Belgium), Families of Victims of Involuntary Disappearance (FIND, Philippines), Family Rehabilitation Center (Sri Lanka), Fundación Ecueménica para el Desarrollo y la Paz (FEDEPAZ, Peru), Fundación Social Colombiana Ceda Viva (Colombia), Fund for Social Jurisprudence Research (TOHAV, Turkey), International Rehabilitation Council for

Torture Victims (IRCT, Denmark), Justice pour Tazmamart (France), Medical Foundation (Uganda), Medical Foundation for the Care of Victims of Torture (United Kingdom), Programme for Torture Victims (PTV, United States), Réseau d'intervention auprès des personnes ayant subi la violence organisée (RIVO, Canada), Sudanese Victims of Torture Group (SVTG, United Kingdom), Swedish Red Cross, Treatment and Rehabilitation Unit for Survivors of Torture and Trauma (TRUSTT, Australia), Zentrum für sozialmedizinischen, rechtlichen und kulturellen Betreuung von Ausländern (ZEBRA, Austria)

34 The subjects of the art works included torture of women and children, various torture techniques currently in use, the possibility of rehabilitation despite the lasting effects of torture, and the possibility of adapting to the people of the host country with its different language, culture and way of life. The documentation distributed to visitors to the exhibition included article 5 of the Universal Declaration of Human Rights, relating to torture, article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, containing the definition of torture under the Convention, the Secretary-General's press release of 26 June 1999 (HR/4423, 24 June 1999) and the Joint Declaration of 26 June 1999.

35 In its resolution 53/139 (para. 22), the General Assembly calls upon the United Nations High Commissioner for Human Rights, United Nations bodies and intergovernmental and non-governmental organizations to commemorate each year, on 26 June, United Nations International Day in Support of Victims of Torture. Consequently, the letters informing organizations of the secretariat's decisions on grants, following the May 1999 session of the Board of Trustees, mentioned again that the Office of the High Commissioner would be glad to receive new works from the beneficiaries of programmes so that it could mount a new exhibition in June 2000.

D. Prizes awarded to organizations financed by the Fund

36 Two organizations supported by the Fund have been awarded prizes. Dr. Paz Rojas Baeza, of the Chilean organization Comité de Defensa para los Derechos del Pueblo (CODEPU), received the 1998 Lisl and Leo Eitinger Prize of the University of Oslo; the prize was presented to her at a ceremony during which the Special Rapporteur on questions relating to torture made a speech. The National Swami Pranavananda Peace Award for Argentina was awarded to the Argentine organization Comité para la Defensa de la Salud, la Ética Profesional y los Derechos Humanos (CODESEDH), run by Dr. Norberto Liwski; this award recognizes individuals and organizations working for the cause of peace.

E. Internal information activities

37 In order to publicize the objectives and operations of the Fund within the Office of the High Commissioner for Human Rights, the Fund's secretariat organized two briefings for officials from two units. The briefings were also intended to allow other colleagues from the Office of the High Commissioner to provide information and guidance to the relevant organizations.

F. Eighth International Symposium on Torture (New Delhi, 22-25 September 1999)

38 The Fund's guidelines, as approved by the Secretary-General, allow it to subsidize training and experience-sharing seminars for professionals offering direct assistance to victims of torture

39 Thus, in 1999 the Fund helped to finance the Eighth International Symposium on Torture, on the theme of "Torture as a challenge to the health, legal and other professions", organized in New Delhi, India, from 22 to 25 September 1999 by the International Rehabilitation Council for Torture Victims (IRCT), the National Human Rights Commission of India (NHRC), the Indian Medical Association and the Indian Law Institute, under the patronage of the High Commissioner for Human Rights. The Chairman of the Board of Trustees of the Fund, Mr. Jaap Warkate, was invited to participate in the work of the Symposium (see annex below). On 3 December 1999, Mrs. Robinson had talks with Dr. Erik Holst, a member of the organizing committee, who told her about the work of the Symposium and presented her with a collection of the papers presented at it and the text of the Delhi Declaration and Programme of Action adopted by the Symposium (see attached annex, as well as the annex to the report of the Secretary-General to the General Assembly in A/48/520, in which the Istanbul Declaration, adopted at an earlier symposium organized by IRCT on 24 October 1992, is reproduced).

VI. HOW TO MAKE A CONTRIBUTION

40 Governments, individuals and non-governmental organizations wishing to make a contribution to the Fund before May 2000 can do so as follows:

(a) By bank transfer to the United Nations Geneva General Fund

- In United States dollars, c/o Chase Manhattan Bank, New York,
A/c: 001-1-508629, UNOG General Fund,
G/L: UN-0503456,
United States Banking Code: 021000021
- Or in Swiss francs, c/o UBS AG,
PO Box 2770, CH-1211 Geneva 2,
A/c: 240-CO-590-160 0,
Swift address: UBSWCHZH12A

(b) By cheque, made out to the "United Nations", to:

- The Treasurer, United Nations Office at Geneva,
Palais des Nations, CH-1211 Geneva 10, Switzerland, or
- The Treasury, United Nations, New York, NY 10017,
United States of America

41. In all cases, please specify: "Payee: United Nations Voluntary Fund for Victims of Torture, a/c CH"

42. For any further information on the Fund, please contact the secretariat of the Fund, Funds for Voluntary Contributions (Support Services Branch), Office of the United Nations High Commissioner for Human Rights, Palais Wilson, CH-1211 Geneva 10, tel: +41 22 917 9315, fax: +41 22 917 9017, e-mail: dpremont.hchr@unog.ch

Annex

EIGHTH INTERNATIONAL SYMPOSIUM ON TORTURE, NEW DELHI,
22-25 SEPTEMBER 1999

A. Extracts from the speech by the Chairman of the Board of Trustees of the Fund

Thanks to the organization of symposia like this VIIIth Symposium in New Delhi, the international community engaged in the combat against torture can bring together special knowledge and vast experience from a large group of experts in the collective effort of finding solutions to complicated social problems which create conditions under which torture is committed or tolerated. We need a multidisciplinary and a multi-cultural approach to the search for ways to abolish an abject practice which is totally opposed to and in violation of the Universal Declaration of Human Rights (1948).

The Board of Trustees of the United Nations Voluntary Fund for Victims of Torture is proud to be a sponsor of the Symposium and to have subsidized part of its costs through and with the help of the International Rehabilitation Council for Torture Victims (IRCT) in Copenhagen which has undertaken so many wonderful initiatives over the past years.

Torture, widespread phenomenon as it is, should not be considered nor accepted as if it were a natural disaster which is caused by powers beyond our control. It is a man-made disaster which can be eliminated in the end, if the political will exists to do so. It is not only a matter of dealing with the consequences of this disaster, but also and especially of trying to prevent it from happening. The violation of human dignity and physical integrity which torture and, in its lesser form, cruel, inhuman and degrading treatment or punishment constitute, is a symptom of a malfunctioning social order. Its consequences in terms of human suffering, rupture of social fabric and duration of rehabilitation - if at all fully feasible - are unacceptable from a moral point of view. All of us, but especially politicians as those responsible for the shaping of civil society, have a duty to maintain moral standards to the best of their ability and, thus, mobilize forces against torture.

Article 5 of that famous Universal Declaration is the basis of the general prohibition of torture under international law. From the Universal Declaration many international instruments have originated, such as declarations and treaties adopted by the General Assembly of the United Nations, which incorporate and elaborate that prohibition. It may be concluded that the unconditional prohibition of torture in all its manifestations and under all circumstances is firmly based in international law and is binding on all States. Therefore, torture is also unacceptable from a legal point of view. Most explicit in this context is the United Nations Convention against Torture (1984) which lays down detailed provisions for States parties to fulfil.

Torture should be declared a punishable act under national law and perpetrators should be prosecuted and, if found guilty, punished. The international rules are clear and firm and where international obligations exist they should be complied with. The same is true for national legislation. A precondition is a set of laws, codes and regulations which outlaw the practice of torture and which should be strictly implemented. These rules should duly take into account the interests of victims of torture and should provide for the right to be heard by a magistrate upon

their complaint of having been tortured, and the right to redress and adequate compensation, including the means for full rehabilitation. Politicians who are legislators or members of government have a special responsibility for maintaining and implementing legal standards which are imposed upon the State.

After many years of involvement in the struggle against the practice of torture I have come to the conclusion that this evil is first and foremost a challenge to the political system of a country. It should be placed on every political agenda, because only by exercising political power can one hope to get the practice under control. Experience shows that law enforcement personnel are not always and not under all circumstances competent to apply the legal rules concerning arrest, detention and imprisonment properly and, therefore, often fail to assist in the administration of justice. What is more distressing is that law enforcement personnel often are used under certain political conditions to commit or participate in acts of torture. If at the political level torture is accepted as an instrument to reach certain political goals or is condoned as some form of unavoidable behaviour of law enforcement personnel, what hope do we have that efforts undertaken at lower levels in the hierarchy to eradicate the evil of torture will be successful? All instruction and training programmes which we devise for civil police, armed forces and prison personnel to instil the necessity of refraining from such practices will most likely be less effective if they are sanctioned, either explicitly or tacitly, by the political leaders of the land. Although, under international law, an order from a superior officer or a public authority may never be invoked as a justification of torture, in reality this rule is being violated on a wide scale. Therefore, a precondition to all the work we are undertaking in our own national contexts, is to ensure that at the political level every effort is made to publicly reject torture as unacceptable. At the same time, there should be no doubt about the political will to prosecute and bring to justice all those who are involved in acts of torture, either by committing them or by condoning them. In too many cases torture is not the criminal act of a single undisciplined policeman, it is too often a "crime of obedience", that is a crime which takes place not in opposition to the authorities but under explicit instructions from the authorities. This makes investigation and prosecution of such crimes virtually impossible. It is the duty and responsibility of the politicians to see to it that no one can "justify" his or her criminal acts by referring to an order from higher up in the hierarchy. In short, the existence of positive political will is crucial to the successful prevention of these crimes.

Let me add to this that in this respect torture should also be seen as a challenge to the judiciary. It is beyond doubt that judges have an important role to play in the elimination of the practice. Evidence obtained under duress or any form of torture should be thrown out immediately by the judge. This act, apart from showing moral strength and the right legal conscience, will invalidate any criminal procedure and therefore put the prosecuting authority in a position where it would have to release the accused. This will certainly help to discourage law enforcement personnel from using torture to obtain the cooperation of or a confession from the accused.

The number of victims of torture all over the world is not known, but can hardly be overestimated. The costs of rehabilitating them are enormous, especially since the long-term effects of torture are pernicious: the physical and mental consequences can endure for years and may be irreversible. The United Nations General Assembly in establishing the Voluntary Fund for Victims of Torture, in 1981, assumed a form of collective responsibility for the rehabilitation

of torture victims. The Fund is administered by the Secretary-General with the assistance of a Board of Trustees comprised of five members with wide experience in the field of human rights. The Fund assists some 100 organizations in over 70 countries with donations from about 35 - predominantly industrialized - Member States. In May 1999, about US\$ 5.1 million was available for project grants, enabling the United Nations Fund to reach out to some 60,000 survivors of torture.

Many of the organizations the Fund subsidizes are small and operate in isolation. Many of them have been set up with the help of the International Rehabilitation Council for Torture Victims in Copenhagen and benefit from the existing expertise of that pioneer centre. Many of them are well-established institutions that for years have concentrated on help to refugees and victims of violence. All of them are highly motivated and competent to assist survivors of torture, all of them manage to help as many people as their - often very modest - budget allows them, all of them need the grants from the United Nations Fund badly. The treatment of survivors is a very labour intensive and emotionally demanding job. It is indeed a very tough challenge to all who are involved, not only members of the medical profession, but also the paramedical staff, psychologists, lawyers, volunteers and helpers who are often confronted with the mind-boggling stories of the experience their clients have had. And it is a challenge to the survivors themselves as well, especially when they have to relive their emotions. The effect of torture on an individual may be compared to the effect of a stone which is thrown into the water: various expanding rings originate from the centre. Not only has torture also negative effects on members of the family of the victim, often on his friends and neighbours and sometimes even on children born after the fact, it also may affect the rehabilitators, who have to make special efforts to cope in order to help. We know that the rehabilitation staff of certain centres have set up a back-up group of professionals who counsel their colleagues on how to handle their own emotions. It is especially these long-term and side effects that give me extra reason for concern. It is a sorry state of affairs to see how one act of torture committed against one person not only severely injures that person, but also, and often belatedly, touches a circle of individuals around that person, who in their turn need appropriate counselling.

A lot of money is still required to ensure a steady flow of funds to the various rehabilitation centres around the world. Contributions to the United Nations Fund can be made by anyone, private persons or organizations, as well as States. Member States that so far have only espoused the cause of the abolishment of torture and the rehabilitation of its victims through lip-service, should be persuaded to advance the good cause by undertaking realistic efforts to abolish and prevent torture practices and by making generous contributions to the United Nations Voluntary Fund for Victims of Torture in Geneva.

B. Delhi Declaration and Programme of Action on Freedom from Torture

The Vienna Declaration and Programme of Action adopted by the United Nations World Conference on Human Rights in June 1993 constituted a landmark at the international level in the consideration of freedom from torture. Since then a number of developments have taken place, including the following:

1. A steadily increasing number of States have ratified the United Nations Convention against Torture. Several more have signed the Convention and initiated the process of

ratification. However, the number of States having ratified the Convention against Torture without reservations is still regrettably small. Therefore, in many cases, the individual protection provided for under the Convention is denied.

2. An increasing number of national human rights institutions have been established, many of which have given priority to the problem of torture.

3. Despite the continuance of impunity laws in certain countries, the number of alleged perpetrators formally indicted and actually brought to trial is on the increase, nationally and internationally.

4. Recognition of the need to provide comprehensive reparation to victims of torture is gaining ground, nationally and internationally.

5. Access to professional health care and legal assistance is available to an increasing number of survivors of torture worldwide.

6. Relevant training and material concerning torture is available to a growing number of health professionals and law enforcement personnel, civil and military. However, few countries - even States parties to the Convention against Torture - have systematically implemented such training for all relevant professions as provided for in the Convention. Neither has relevant training material been made available in all the required languages at the country level.

7. An initiative has been taken by a number of concerned NGOs and health professionals to update and expand existing manuals for forensic medical examination of suspected victims of torture. The resulting Istanbul Protocol outlines principles for investigation and diagnostic tests. It also proposes minimum international standards, which, it is expected, will be considered shortly by the United Nations.

8. Multilateral and bilateral funds for assistance to victims of torture have increased but are still far from sufficient to allow continued operation and the necessary expansion of appropriate services for survivors of torture and their families.

9. An increasing number of States have joined the European Convention for the Prevention of Torture, thereby accepting unhindered access to any place of detention, including psychiatric services, under their jurisdiction. However, the efforts within the Commission on Human Rights to create a similar system at the global level have not so far met with consensus agreement.

10. In 1997 the General Assembly instituted 26 June as the United Nations International Day in Support of Victims of Torture. This Day is now being observed all over the world.

However, the Symposium also noted with concern:

1. Although torture, as State policy, has ended in certain countries that have witnessed changes in regime, it continues to be widely prevalent in many countries where it is still either accepted, or at least tolerated, as part of law enforcement interrogation and punishment.

2 War and situations of armed conflict within and between States have, in recent years, given rise to the gravest human rights violations, including torture.

3 Health professionals in many countries still find themselves under duress to condone or cover up torture, in violation of their codes of ethics and the United Nations Principles of Medical Ethics.

Given the continued widespread practice of torture on the threshold of the new millennium, the Symposium urges the following action at the national level

- 1 Sensitization of the political leadership to issues concerning torture,
- 2 Accession to the United Nations Convention against Torture where this has not taken place,
- 3 Accession to the Statute of Rome on the establishment of the International Criminal Court,
- 4 Expedient revision of national laws to address comprehensively the prosecution of torturers and reparation to victims of torture,
- 5 A significant increase in the number and size of State contributions to the United Nations Voluntary Fund for Victims of Torture, as well as identification and systematic canvassing of potential supplementary donors to the Fund,
- 6 The systematic and effective monitoring by national human rights institutions of instances of torture, particularly custodial violence,
- 7 The undertaking of every effort to promote a culture of non-violence and respect for human rights,
- 8 The repeal of laws providing impunity to torturers,
- 9 Special consideration of practical ways to protect women and children against torture,
- 10 Greater involvement of all components of civil society, including the health, legal and other professions, non-governmental organizations and the media, in the fight against torture

The Symposium further urges the United Nations to take the following action

- 11 To expedite consideration of an optional protocol to the Convention against Torture allowing international access to all places of detention under the jurisdiction of States parties to the protocol,
- 12 To expedite consideration of the proposed United Nations principles on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms,

13 To expedite consideration of minimum international standards for forensic examination of alleged victims of torture and the effective global dissemination of the guidelines contained in the Istanbul Protocol,

14 To ensure diligent prosecution of alleged torturers and effective protection and redress to victims of torture and their families within the framework of the procedures being developed for the International Criminal Court,

15 To provide technical assistance for the production and effective global dissemination of relevant teaching material on torture issues for health, legal, law enforcement and other concerned personnel,

16 To provide technical assistance for recurrent international and national information campaigns with a view to creating and maintaining public awareness of the continued practice of torture and of the need to provide effective reparation to torture survivors and their families,

17 To strengthen the capacity and resource base of the United Nations mechanisms supporting the fight against torture
